IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTH DAY OF AUGUST
TWO THOUSAND AND FOUR

-

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 13891 of 2004

-

Between:

Sri P. Devadanam, S/o Late Yesob,
R/o Nambur Village, Pedakakani Mandal, Guntur District.

..... PETITIONER

AND

-

1 The Revenue Divisional Officer, Guntur.
2 The Joint Collector (Civil Supplies), Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a direction or order or writ, more particularly one in the nature of writ of mandamus, declaring the action of 1st respondent in suspending the authorisation vide Proceedings RC.No. 3024/2004-B, dated 28-6-2004 is illegal, arbitrary and unconstitutional, consequently set aside the impugned order.

Counsel for the Petitioner: MR. B.VENKATADRI

Counsel for the Respondent: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following

ORDER:

Heard both sides.

The petitioner is the authorized dealer of the Fair Price Shop No.668 of Namburu village, Pedakakani Mandal, Guntur District. This writ petition is filed aggrieved by the order of the Revenue Divisional Officer, Guntur dated 28-6-2004 whereunder the authorization of the petitioner has been suspended.

The learned counsel for the petitioner states that the petitioner was not served with any notice calling upon him to explain the allegations made in the impugned order. He also states that the petitioner has already filed an appeal before second respondent, the Joint Collector, Guntur against the impugned order on 3-8-2004 along with an application for stay, but the same has not been considered so far.

Having regard to the fact that the statutory appeal is pending and particularly in view of the fact that the impugned order of suspension, which on the face of it is in the nature of a final order, has been passed without notice to the petitioner to show cause, I am of the view that it would be appropriate to permit the petitioner to distribute the essential commodities till the disposal of the statutory appeal.

Accordingly, the Writ Petition is disposed of directing the second respondent-Joint Collector to consider the appeal preferred by the petitioner against the impugned order of suspension dated 28-6-2004 and to dispose of the same in accordance with law as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order. Till the disposal of

the appeal the impugned order of suspension dated 28-6-2004 shall not be given effect to. No costs.

_____

G. ROHINI, J.

6th August, 2004.

Note: C.C. in two days.

B/o

Js

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1 The Revenue Divisional Officer, Guntur.
2 The Joint Collector (Civil Supplies), Guntur District.

3 Two CCs to G.P. for Civil Supplies, High Court

Buildings, Hyderabad.

4 2 CD copies.